Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NICOLAS D. MCKAY JR.

Appeal No. 2001-2020
Application No. 09/271,232

BRIEF

Before HAIRSTON, RUGGIERO, and BLANKENSHIP, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 3, 5[1], 6 and 8.

The disclosed invention relates to an object locating system that uses a GPS satellite system and a two-way satellite communications system.

Claim 1 is the only independent claim on appeal, and it reads as follows:

[1] Although claim 5 depends from canceled claim 4, the examiner indicated (answer, page 2) that "the dependency of claim 5 will be assumed to be on claim 1."

1. For use in conjunction with a GPS satellite system and a two way satellite communication system, an object locating system comprising:

a mobile unit physically connected to the object to be located, said mobile unit comprising

a satellite communication transceiver capable of receiving and transmitting encoded signals,

decoding means associated with said satellite communication transceiver for decoding a unique signal associated with said mobile unit and for generating an activation signal upon receipt of said unique signal,

a GPS receiver,

means for activating said GPS receiver in response to said activation signal so that said GPS receiver generates a current position signal representative of the position of said mobile unit, and

means for connecting said current position signal as an input signal to said satellite communication transceiver so that said satellite communication transceiver transmits said position signal, wherein said connecting means comprises means for storing a position signal, means for comparing the current position signal with a previously stored position signal, means for generating a difference signal representative thereof and for connecting said current position signal as an input signal to said satellite communication transceiver only when said difference signal exceeds a preset threshold, and means for storing the current position signal as said previously stored position signal, and

a base station comprising

means for selectively transmitting said unique signal to said communications satellite,

means for receiving said position signal from said satellite communication transceiver, and

means for creating a display representative of the location of said mobile unit.

The references relied on by the examiner are:

Kojima et al. (Kojima)	5,754,136	May 19, 1998

Tognazzini	5,914,675	June 22, 1999 (filed May 23, 1996)
Bouliane (Canadian Patent Application)	2,133,673	Apr. 6, 1996

Claims 1 through 3, 5, 6 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bouliane in view of Kojima and Tognazzini.

Reference is made to the brief (paper number 12) and the answer (paper number 13) for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 1 through 3, 5, 6 and 8.

The primary reference to Bouliane discloses a vehicle emergency signal transmission system that is presumably connected to the vehicle's electrical system for continuous operation. Appellant and the examiner both agree that GPS position data is continuously provided by the vehicle computer to the base computer (brief, page 6; answer, page 4). Notwithstanding the continuous transmission of position data, the continuous transmission mode can be overridden with a call from the base computer to the vehicle computer for current GPS data (page 11).

We agree with the examiner (answer, page 4), that "Kojima et al teach the conventionality of reducing power consumption in a GPS receiver by ID activation only when it is necessary to determine a position for transmission to the base station in a GPS-based wireless, emergency location system (Figure 2)." On the other hand, we agree with appellant's arguments (brief, pages 5

and 6) that Bouliane is not concerned with conserving battery power because the emergency system is connected to the vehicle's electrical system, and would not be concerned with only transmitting to the base computer "where the person has moved outside a preset perimeter and only after receipt of the interrogation signal" to save battery power.

We likewise agree with the examiner (answer, page 4) that "Tognazzini teach[es] a locator which integrates a GPS receiver with a wireless transceiver wherein a previously stored GPS position is compared with a current GPS position to determine if the device has moved a predetermined threshold distance, and if so, updates the memory with the new position as well as wirelessly communicates the position information to a remote site (col. 7, lines 19-41)." Although Tognazzini does in fact compare previously stored GPS data with current GPS data, the only action taken in response to the comparison is to update the memory 38a with the new GPS data. In Tognazzini, the comparison of GPS data is not performed in response to an interrogation signal, and the noted wireless transmission of the GPS data is not done in response to the update of GPS data. Thus, Tognazzini, like Bouliane and Kojima, is not concerned with making the noted comparison of GPS data "after receipt" of an interrogation signal (brief, page 5).

In summary, even if we assume for the sake of argument that it would have been obvious to one of ordinary skill in the art to combine the references in the manner suggested by the examiner (answer, pages 4 and 5), all of the limitations of claim 1 would still not be found in the combined teachings. Accordingly, the 35 U.S.C. § 103(a) rejection of claims 1 through 3, 5, 6 and 8 is reversed.

DECISION

The decision of the examiner rejecting claims 1 through 3, 5, 6 and 8 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON Administrative Patent Judge	)
JOSEPH F. RUGGIERO Administrative Patent Judge	) BOARD OF PATENT) APPEALS) AND) INTERFERENCES
HOWARD B. BLANKENSHIP Administrative Patent Judge	)

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Letty

JUDGE HAIRSTON

APPEAL NO. 2001-2020

APPLICATION NO. 09/271,232

APJ HAIRSTON

APJ RUGGIERO

APJ BLANKENSHIP

DECISION: **REVERSED**

PREPARED: Jun 4, 2003

OB/HD

PALM

ACTS 2

DISK (FOIA)

REPORT

BOOK